



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Mr. Scott Williams
Sherwood Development
2300 Norfield Court
Thousand Oaks, CA 91361

WATER QUALITY CERTIFICATION FOR PROPOSED SHERWOOD COUNTRY CLUB TRACT 4409 PROJECT (Corps' Project No. 2004-00293-JWM), UNNAMED TRIBUTARIES TO LAKE SHERWOOD AND POTRERO CREEK, CITY OF THOUSAND OAKS, VENTURA COUNTY (File No. 05-204)

Dear Mr. Williams:

Regional Board staff has reviewed your request on behalf of Sherwood Development for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 25, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original signed by]
Jonathan S. Bishop
Executive Officer

September 27, 2006
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Julia Strong
3167 Gold Hill Circle
Thousand Oaks, CA 91360

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Larry Lodwick
Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A
Camarillo, California 93012

John Markham
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

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Project Information

File No. 05-204

1. Applicant: Scott Williams
Sherwood Development
2300 Norfield Court
Thousand Oaks, CA 91361

Phone: (805) 496-1833 Fax: (805) 371-0206

2. Applicant's Agent: Larry Lodwick
Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A
Camarillo, California 93012

Phone: (805) 437-1900 Fax: (805) 437-1901

3. Project Name: Sherwood Country Club Tract 4409

4. Project Location: Thousand Oaks, Ventura County
Longitude: 118° 51' 30"; Latitude: 34° 07' 25"

Coordinates starting from the northwest corner of the property,
surrounding it clockwise:

N 63048.2309 E 144168182

N 63322.8023 E 17562.5889

N 63356.6902 E 19943.0960

N 60946.0058 E 16532.0040

N 58952.2593 E 19422.2986

N 58615.4119 E 22988.4346

N 55997.2008 E 21349.7175

N 58164.9350 E 17372.8810

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5. Type of Project: Housing development

6. Project Description:

Purpose:

The Sherwood Country Club Tract #4409 is located in the Lake Sherwood area of Ventura County, California. The total project area consists of 1,922 acres of chaparral and oak hillsides, of which 640 will be developed. The project site is bordered by the cities of Thousand Oaks, Westlake Village and Malibu. The two main water bodies on or adjacent to the project site are Potrero Creek and Carlisle Creek.

Currently, the proposed development area within Tract #4409 consists of open space. 1,282 acres of this area will remain and be dedicated as open space, once the project is fully developed. Currently, the Lake Sherwood community consists of a world-class country club and a man made lake for aesthetic and leisurely activities surrounded by a secure gated residential community.

Description:

Sherwood Development is proposing to create a spacious residential community that is consistent with the current community of Lake Sherwood. The total development would occupy approximately 30% of the total site and would consist of 76 residential lots. Portions of twelve (12) ephemeral streams would be impacted due to the development from grading activities and from fill for geological stabilization, building pads, access roads and erosion control (rip-rap). Within the twelve ephemeral streams, 5,759 linear feet will be permanently impacted (0.493 acres).

Since 2002, this proposed project has undergone extensive re-design and work with the engineers and consultants in order to reduce project impacts. Sherwood Development has reduced impacts to resources by 124.58 acres by reducing lot sizes, minimizing grading limits, and preserving jurisdictional resources (ephemeral streams). Approximately 19,741 linear feet of the ephemeral streams within the project site will be preserved (3.08 acres). Of the jurisdictional resources that exist within the development, proposed impacts have been reduced by approximately 15% within Regional Board, Army Corps' and Fish and Game regulated resource jurisdictional areas.

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The proposed impacted streams on the project site are primarily composed of non-hydrophitic vegetation. Preserved streams are composed of native mature riparian habitats and consists of a combination of ephemeral, intermittent, and perennial streams.

The open space area within the project development (386.18 acres) will be entered into a conservation easement. Within this area, 3.08 acres of U.S. waters will be preserved, which includes a naturally occurring wetland (1,186 sq. ft.).

In addition to preservation of on-site streams, the second component of compensatory mitigation includes preservation and enhancement of streams located on the Polk property (see No. 16 Compensatory Mitigation). Many of the streams to be preserved on the Polk property exhibit higher functional values than those impacted on the development site.

- | | |
|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2004-00293-JWM) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act Compliance: | The City of Thousand Oaks approved the project's Negative Declaration and Subsequent Final Environmental Impact Report (EIR No. 91-0675, SCH No. 92121046) on February 24, 1999. |
| 10. Receiving Water: | Unnamed tributaries of Lake Sherwood and Potrero Creek (Hydrologic Unit No. 404.25) |
| 11. Designated Beneficial Uses: | MUN*, GWR, REC-1, REC-2, WARM, WILD, BIOL

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (streambed): 0.493 permanent acres (5,759 non-consecutive linear feet) |

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13. Dredge Volume: 1,192 cubic yards of native soil and cut material will be filled
14. Related Projects Implemented/to be Implemented by the Applicant: Within Tract 4409 there will be multiple phases of development. As the project commences, the Applicant will be able to provide yearly updates. Below is an estimated schedule of project activities for Sherwood Development Company (SDC). However, no work will be completed within jurisdictional areas until all appropriate approvals have been obtained.
- 2006: Possible limited grading within Tract 4409 for miscellaneous lots.
2007: Possible limited grading within Tract 4409 for miscellaneous lots.
2008: Start grading in Tract 4192-5/6
2009: Grading within miscellaneous lots in Tract 4409
2010: Start grading within miscellaneous lots within Tract 4409
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Graded areas will be stabilized with seeding or mulch and replaced as necessary to continue stabilization throughout the project construction activities;
 - Adjacent graded or existing properties will be protected with landscape buffers or sediment barriers;
 - Boundaries of temporary or permanent impact areas will be delineated to protect from construction impact, debris, incidental fallback, etc. into undisturbed portions of the project;
 - Protected jurisdictional areas will be stabilized and prevented from erosion;
 - Temporary diversions or work within impacted streams will be stabilized and protected to preserve the edges of any non-impact areas;
 - If any dewatering should occur, effective sediment controls and filtration methods to remove sediment from the outflow of the dewatering equipment will be implemented. All dewatering discharges will exit into upland areas and will not enter into a stream unless water is tested according to any RWQCB applicable dewatering permitting requirements;
 - When possible, grading will be scheduled for the dry season;

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- Stockpile storage will be located in an upland area that is clear from non-impacted streams and a sheet of plastic will cover the stockpile to prevent scattering of soil and debris;
- Stockpile areas will be protected by a berm or alternative to prevent contact with any runoff;
- All hazardous chemicals, paint containers, chemicals, solvents, etc. will be stored under cover;
- Dumpsters will be covered;
- Auto equipment and construction equipment will be located in designated areas clear of any non-impacted streams and sensitive areas;
- Unused construction materials will be removed from the site at the end of each working day. Materials that remain on site are stored in the designated storage area;
- Grading will occur in phases so that erosion controls can be implemented for each area as they are disturbed;
- Sediment control materials will be maintained on site during the non-rainy season. The controls will be deployed unless rain is forecasted;
- Sandbag barriers to control sediment will be placed where non-stabilized soil is adjacent to roads, drains, or other conveyances that could carry sediment to storm drains;
- Mobile fueling operations will be conducted at least 50 feet away from operational inlets and drainage facilities and on a level graded area. A soil berm or sandbag barrier will be provided as necessary around the fueling area to prevent storm water run-on from adjacent areas and to prevent accidental discharge in the event of a spill. Fueling operations will be monitored by operations personnel; and
- Concrete pouring will not be conducted during or immediately prior to any rainfall events.

16. Required
Compensatory
Mitigation:

In order to provide compensatory mitigation for permanent impacts (0.493 acres) associated with the proposed project, the Applicant shall preserve 3.08 acres of waters of the U.S. within the proposed development site, which includes 19,741 linear feet of ephemeral streams and a naturally occurring wetland (1,186 sq. ft.).

In addition, the Applicant will be providing in-lieu fees to the Mountains Restoration Trust (MRT) for preservation and enhancement on the Polk Property, located adjacent to the Seminole

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Hot Springs within the Santa Monica Mountains. In-lieu funding in the amount of \$275,250.00 will be provided for enhancement within 3.67 acres. This funding corresponds to a mitigation ratio of 4:1 and 3:1 for permanent (0.76 acres) and temporary (0.21 acres) impacts; respectively. This ratio is for impacts within California Department of Fish and Game jurisdiction.

The MRT will be conducting a delineation of waters on the mitigation site and will produce a Habitat Restoration and Enhancement Plan. This plan will include the various types of enhancement to take place within the Polk property. Restoration activities shall include the control or removal of non-native, hydrophitic and meadow species, with concurrent planting of native plant species to replace any exotics.

This Habitat Restoration and Enhancement Plan will include the linear feet and acreage amounts within any jurisdictional waters and will be approved by the Regional Board.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. Sediment removal during each phase of grading shall not go beyond the extent of the clearly flagged boundaries.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. As grading throughout the project area may take place in phases, denuded areas will be revegetated with native vegetation in order to ensure stabilization and to avoid further impacts from erosion. In order to ensure the stability of the graded areas not being developed immediately after grading takes place; the revegetated areas shall be monitored under the same requirements of any compensatory mitigation areas. These requirements shall be in effect until the graded areas have been fully developed.
18. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities involving clearing. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
19. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or

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anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

20. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
21. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any

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such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

22. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
23. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.493 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 3:1 area replacement ratio (1.479 acres). In order to fulfill this mitigation requirement, the Applicant will be preserving 3.08 acres on-site within the development. In addition, the Applicant shall provide funding to the Mountains Restoration Trust (MRT) for enhancement of 3.67 acres on the Polk property within the Santa Monica Mountains. This funding corresponds to a mitigation ratio of 4:1 and 3:1 for permanent (0.76 acres) and temporary (0.21 acres) impacts; respectively. This ratio is for impacts within California Department of Fish and Game jurisdiction. The MRT will be conducting a delineation of waters on the mitigation site and will produce a Habitat Restoration and Enhancement Plan. Restoration activities shall include the control or removal of non-native, hydrophitic and meadow species, with concurrent planting of native plant species to replace any exotics.

This Habitat Restoration and Enhancement Plan will include the linear feet and acreage amounts within any jurisdictional waters and will be approved by the Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and MRT regarding compensatory mitigation efforts.

All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

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- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
25. Prior to any subsequent maintenance activities within the subject drainages, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing conditions; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
26. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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**Conditions of Certification
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27. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)”

28. The Applicant shall ensure a Report of Waste Discharge (RoWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete RoWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board’s website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.
29. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **05-204**. Submittals shall be sent to the attention of the 401 Certification Unit.
30. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
31. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

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32. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
33. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
34. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
35. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.